

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

NATIONAL BOARD OF MEDICAL EXAMINERS et al.,)	
)	
)	
Plaintiffs,)	
v.)	Civil Action No. 09-1043-JDB
)	
OPTIMA UNIVERSITY LLC et al.,)	
)	
Defendants.)	
)	

NOTICE OF FILING

Plaintiffs hereby submit to the Court a copy of a recently released Federal Grand Jury Indictment (“Indictment”) from the United States District Court for the District of New Jersey, charging Defendant Eihab Suliman (“Suliman”), and his “former wife,” Egija Kuka, with conspiracy to commit mail and wire fraud, and mail and wire fraud. *See Ex. A (Indictment) and Ex. B hereto (Press Release).* These charges stem from the very conduct that was the subject of this lawsuit and further support the material facts established by way of Plaintiffs’ pending Motion for Summary Judgment (“Motion”) (filed on January 20, 2011) (Docket # 62) and supporting papers; namely, Defendants’ “scheme and artifice to defraud NBME, and to obtain . . . proprietary test questions owned by NMBE.” Ex. A at 8. Both the Motion and Indictment indicate that, as part of the conspiracy, recording devices were used to record questions which appeared on the computer monitors of NBME’s testing vendor, and the questions were then reproduced on practice exams provided by Defendant Optima University LLC (“Optima University”)

to its students. *See id.* at 9, 12; Memorandum in Support of Motion at 6, 11 (Docket # 62-1). These material facts are not in dispute in this lawsuit.

The attached materials provide further confirmation that the defendants in this lawsuit engaged in flagrant and willful copyright infringement for which NBME should be awarded the maximum possible amount of statutory damages under the Copyright Act, as discussed on pages 15 through 18 of the Memorandum that NBME has filed in support of its pending Motion for Summary Judgment (Docket # 62-1).

Respectfully submitted,

/s/ Russell E. Reviere
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served on the following via regular mail and this Court's ECF system:

Eihab Suliman
1774 Hwy 22
McKenzie, TN 38201

This the 21st day of July, 2011.

/s/ Russell E. Reviere